IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 29847 of 2006(C)

PETITIONER:

RIYAS BABU V.P.,
S/O. ABDHULLAKUTTY,
AGED 26 YEARS,
VALAPPURAM HOUSE,
BEEMBUNGAL AMSOM,
NILAMBUR TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
   EDAKKARA.

2. THE MAMBAD GRAMA PANCHAYAT,
   REPRESENTED BY ITS SECRETARY,
   MAMPAD P.O., MALAPPURAM DISTRICT.

3. HYDER ALI,
   S/O. MOIDEENKUTTY HAJI,
   POTTANGODAN HOUSE,
   PANNIPPARA P.O.,
   EDAVANNA.

4. STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, TRIVANDRUM.

ADDL.5. THE DISTRICT COLLECTOR,
MALAPPURAM.
(IMPLEADED VIDE JUDGMENT DT.13.11.06)

R1, R4 & R5 BY ADV. SRI. MATHEW G. VADAKKEL, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 29847 OF 2006

Dated this the 13th day of November, 2006

JUDGMENT

The District Collector, Malappuram is impleaded as additional respondent No.5. Registry will carry out necessary corrections in the cause title.

2. The grievance of the petitioner is that his pickup van having registration NO.KL 12 A 1868 with load of river sand has been seized by the 1st respondent. According to him the sand in question was purchased by the petitioner under Ext.P1 pass on behalf of 3rd respondent who is a Government Contractor. The seizure of the vehicle presently made by the 1st respondent, petitioner contends, is per se illegal. I do not propose to examine the merits of the grounds raised.

3. The Writ Petition will stand disposed of at this stage itself in the following terms; having regard to the submissions of Sri.Sunny Mathew and Sri.Mathew G. Vadakkel, learned Government Pleader who has taken notice on behalf of 1st and 4th respondents.

The pickup van having registration No.KL 12A 1868 shall be released by the 1st respondent forthwith to the petitioner, upon the petitioner remitting a sum of Rs.10,000/- in cash either before the judicial Magistrate having jurisdiction in case a crime case is already registered against the petitioner or before the District Collector and producing the receipt obtained in that regard before the 1st respondent.

The petitioner will have to comply with another condition also which is as follows:

He shall file an affidavit before the Collector or judicial Magistrate as the case may be undertaking to produce the vehicle as and when directed in that regard by any authority in the condition in which the same is being released to him. The Sub Inspector upon noticing copy of the affidavit and also the receipt already mentioned will release the vehicle to the petitioner.

It is made clear that the release will be subject to final orders which may be passed by the adjudicating authority in due course.

PIUS C. KURIAKOSE, JUDGE

btt